



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,403	12/07/2000	Greg A. Dunko	4015-809	9888

24112 7590 09/22/2004

COATS & BENNETT, PLLC
P O BOX 5
RALEIGH, NC 27602

EXAMINER

LY, NGHI H

ART UNIT	PAPER NUMBER
----------	--------------

2686

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,403

Applicant(s)

DUNKO ET AL.

Examiner

Nghi H. Ly

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 2, 4-13 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sennett (US 6,400,940) in view of Stephanou (US 6,513,013) and further in view of O'Toole et al (US 6,757,723).

Regarding claims 1, 10, 16 and 19, Sennett teaches a method of receiving help at a mobile terminal comprising: detecting a help trigger event at the mobile terminal (see column 2, line 67 to column 3, line 3 and see column 3, lines 12-23), formulating a help request (see column 2, lines 30-33), the help request comprising context sensitive

Art Unit: 2686

data associated with a current status of the mobile terminal (see column 2, lines 30-33), sending the help request from the mobile terminal to a remote help server via an RF link (see column 2, lines 34-40 and see fig.1, for RF link between MS 13 and BS 12), and receiving help information from the remote help server at the mobile terminal (see column 2, lines 44-48), the help information being based on the context sensitive data (see column 2, lines 23-48).

Sennett does not specifically disclose the context sensitive data identifying an application running during the help trigger event.

Stephanou teaches the context sensitive data (see Abstract) identifying an application running during the help trigger event (see column 3, lines 41-59, column 5, line 53 to column 6, line 8, and column 9, lines 19-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Stephanou into the system of Sennett in order to provide many different areas of expertise immediately and competently responding to the queries for help from customers who are in need (see column 2, lines 44-48).

The combination of Sennett and Stephanou does not specifically disclose the formulating the help request comprises determining, by the mobile terminal, an application that is active within the mobile terminal.

O'Toole teaches the formulating the help request comprises determining, by the mobile terminal, an application that is active within the mobile terminal (see column 12, lines 41-52, and see column 4, lines 41-51 for details of the appliance 18, and the

Art Unit: 2686

appliance 18 of O'Toole reads on Applicant's mobile terminal). In addition, Applicant's specification page 11 line 19 to page 12 line 4 discloses that "*the term "mobile terminal" 100 may include a cellular radiotelephone with or without a multi-line display; a Personal Communications System (PCS) terminal that may combine a cellular radiotelephone with data processing, facsimile and data communications capabilities; a Personal Digital Assistant that can include a radiotelephone, pager, Internet/intranet access, Web browser, organizer, calendar and/or a global positioning system (GPS) receiver; and a conventional laptop and/or palmtop receiver or other appliance that includes a radiotelephone transceiver. Mobile terminals 100 may also be referred to as "pervasive computing" devices".*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of O'Toole into the system of Sennett and Stephanou in order to provide an appliance is capable of remote booting and obtaining its configuration information from a source located far away (see O'Toole, Abstract).

Regarding claim 2, Sennett further teaches detecting the help trigger event at the mobile terminal is selected from the group consisting essentially of receiving the help trigger event via a function key (see column 4, lines 6-15), and receiving the help trigger event via a voice command (also see column 4, lines 6-15).

Regarding claim 4, the combination of Sennett and Stephanou teaches the context sensitive data (see Stephanou, Abstract) identifying an application running

Art Unit: 2686

during the help trigger event (see Stephanou, column 3, lines 41-59, column 5, line 53 to column 6, line 8, and column 9, lines 19-25).

The combination of Sennett and Stephanou does not specifically disclose determining by the mobile terminal the application most recently accessed by a user.

O'Toole teaches determining by the mobile terminal the application most recently accessed by a user (see O'Toole, column 12, lines 41-52, the teaching of O'Toole inherently teaches this claimed limitation, since the appliance 18 indicates that the appliance need help in booting the application and booting is based on the application that most recently accessed by a user).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of O'Toole into the system of Sennett and Stephanou so that the appliance can be booted properly.

Regarding claim 5, the combination of Sennett, Stephanou and O'Toole further teaches determining by the mobile terminal, an application state of the application (see O'Toole, column 12, lines 41-52, and see column 4, lines 41-51 for details of the appliance 18).

Regarding claim 6, Sennett teaches a method of receiving help at a mobile terminal comprising: detecting a help trigger event at the mobile terminal (see column 2, line 67 to column 3, line 3 and see column 3, lines 12-23). Sennett does not specifically disclose determining improper activities.

Stephanou teaches determining improper activities (see Stephanou, column 2, lines 40-44).

Art Unit: 2686

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Stephanou into the system of Sennett so that trouble calls can be monitored (see Stephanou, column 2, lines 42-44).

Regarding claims 7 and 15, Sennett teaches a method of receiving help at a mobile terminal comprising: detecting a help trigger event at the mobile terminal (see column 2, line 67 to column 3, line 3 and see column 3, lines 12-23). Sennett does not specifically disclose the help request further comprises information selected from the group consisting essentially of language, model number, and software version to the help server via an RF link.

Stephanou teaches the help request further comprises information selected from the group consisting essentially of language, model number, and software version to the help server via an RF link (see Stephanou, see column 5, lines 63-65 and column 9, lines 19-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Stephanou into the system of Sennett in order to obtain assistance via network notification to experts and subsequent expert-to-customer contact (see Stephanou, column 1, lines 15-18).

Regarding claim 8, Sennett further teaches the context specific information of the help request is obtained prior to the time the help request is received (see fig.2, the step 21 is obtained first).

Regarding claim 9, the combination of Sennett and Stephanou teaches the context sensitive data (see Stephanou, Abstract) identifying an application running

during the help trigger event (see Stephanou, column 3, lines 41-59, column 5, line 53 to column 6, line 8, and column 9, lines 19-25).

The combination of Sennett and Stephanou does not specifically disclose the step of formulating the help request occurs after the help trigger event is detected.

O'Toole teaches the step of formulating the help request occurs after the help trigger event is detected (see O'Toole, column 12, lines 41-52, and see column 4, lines 41-51 for details of the appliance 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of O'Toole into the system of Sennett and Stephanou in order to provide a network appliance that is capable of remote booting.

Regarding claim 11, Sennett further teaches the step of gathering context specific data regarding the application is performed prior to the time the request is received (see fig.2, the step 23 is performed prior to the time the request is received).

Regarding claim 12, Sennett further teaches gathering context specific data regarding the application is performed after the request is received (see column 3 lines 53-57).

Regarding claim 13, Sennett teaches a method of receiving help at a mobile terminal comprising: detecting a help trigger event at the mobile terminal (see column 2, line 67 to column 3, line 3 and see column 3, lines 12-23). Sennett does not specifically disclose the context specific data regarding the application is obtained from an activity log maintained at the mobile terminal.

Stephanou teaches the context specific data regarding the application is obtained from an activity log maintained at the mobile terminal (see Stephanou, see column 5, lines 23-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Stephanou into the system of Sennett in order to provide customer member a number of options (see Stephanou, see column 5, lines 25-28).

Regarding claim 17, Sennett teaches a method of receiving help at a mobile terminal comprising: detecting a help trigger event at the mobile terminal (see column 2, line 67 to column 3, line 3 and see column 3, lines 12-23). Sennett does not specifically disclose the specific aspect of the mobile terminal is an application stored within memory.

Stephanou teaches the specific aspect of the mobile terminal is an application stored within memory (see Stephanou, see column 1, lines 30-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Stephanou into the system of Sennett so that the software will be directly accessible via the database.

Regarding claim 18, Sennett further teaches the context specific data is stored within memory (see column 3 lines 43-53).

Regarding claims 20 and 21, Sennett teaches a method of receiving help at a mobile terminal comprising: detecting a help trigger event at the mobile terminal (see column 2, line 67 to column 3, line 3 and see column 3, lines 12-23). Sennett does not

specifically disclose the context sensitive data further identifies an application state of the application identify by the context sensitive data.

Stephanou teaches the context sensitive data further identifies an application state of the application identify by the context sensitive data (Stephanou, see column 1, lines 30-39 and see column 5, lines 63-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Stephanou into the system of Sennett so that the software will be executed faster.

3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sennett (US 6,400,940) in view of Stephanou (US 6,513,013) and further in view of O'Toole et al (US 6,757,723) and Linden et al (US 6,549,773).

Regarding claim 14, the combination of Sennett, Stephanou and O'Toole teaches a method of receiving help at a mobile terminal and the step of sending the context specific data to the help server comprises accessing the help server (see Sennett, column 2, lines 23-48).

The combination of Sennett, Stephanou and O'Toole does not specifically disclose accessing the server through a gateway.

Linden teaches accessing the server through a gateway (see fig.1 gateway 2 and see column 2 lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Linden into the system

of Sennett, Stephanou and O'Toole in order to encode and decode the content (see Linden, column 2, lines 1-6).

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2 and 4-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Casey et al (US 6,539,372) teaches method for providing automated user assistance customized output in the planning, configuration, and management of information systems (see title and column 11, lines 42-54).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2686

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

NH Ly
09/14/04

Marsha D. Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600